

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.55808 of 2007
BIMLESH JHA
Versus
THE STATE OF BIHAR

4 17.7.2008

Heard the parties.

The petitioner is an accused in a case under sections 364, 302/34 of the Penal Code.

The prosecution case is that on 6.4.2007 at about 12.30 p.m. the informant heard the sound of a tractor and when he went to see what was taking place, he found that the accused persons had kidnapped Satya Narain, Ram Raj Singh and Bharat Jha. The informant is said to have followed the tractor which went towards the house of his uncle Umesh Singh and it is alleged that Umesh Singh and Jai Narain Jha were picked up from the house of the informant's uncle. Thereafter, the informant is said to have followed the tractor towards the maize field and he found that four persons were tied in the field and they told him that Ram Raj Singh and Umesh Singh have been killed by the named accused persons. It is specifically alleged that Nutan, the son of Punam Devi has killed the aforesaid two persons.

Learned counsel submits that the entire F.I.R. appears to be fabricated and after thought and actually no body has seen the occurrence. He bases his claim on the fact that the S.I. got information of the occurrence early in the morning and went to the P.O. at 8.30 AM where he was told by some of the persons grazing their cattles that two bodies were lying in the field. It is only at 12.30 p.m. that the informant came to give his statement. It has also been submitted that at the P.O.

and in fact from the house of the uncle to the P.O., there was no sign of wheels of the tractor on the mud/field to indicate that in fact the occurrence took place in the manner alleged. As such it is submitted that the occurrence is not supported by evidence; it is also submitted the manner of occurrence is improbable and the petitioners have been made accused due to land dispute.

Learned counsel for the informant, on the other hand, submits that the kidnapped persons who were tied in the Bahiyar have disclosed the name of the petitioner as one of the accused persons.

Be that as it may, the petitioner Bimlesh Jha has remained in custody since 8.5.2007, he is directed to be released on bail in Parbatta PS case No. 68/2007 on furnishing bail bond of rupees ten thousand with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria.

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(Sheema Ali Khan, J.)

